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# BEFORE THE BOARD OF PATENT APPEALS
# AND INTERFERENCES

Application Number: 10/813,839
Filing Date: March 31, 2004
Appellant(s): SVENDSEN ET AL.

Anthony J. Josephson
Registration No. 45,742
For Appellant

## EXAMINER'S ANSWER

This is in response to the appeal brief filed August 15, 2008 appealing from the Office

action mailed March 14, 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

| 6,349,336 | SIT et al. | 2-2002 |
| 6,917,965 | GUPTA et al. | 7-2005 |

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claims 1-4 and 17-20 are rejected under 35 U.S.C. 102(b) as being**

**anticipated by Sit et al. USPN 6,349,336 (hereinafter Sit)**

As per claims 1-4, Sit discloses a method for providing a Web browser running

on a computer with HTTP access to a peer server located behind a firewall in a peer-to-

peer network (col. 8:14-21), comprising; (a) providing the peer-to-peer network with a

proxy server (fig. 5); (b) registering an outbound socket connection with the proxy server

by the peer server (5:16-20); (c) in response to the proxy server receiving an HTTP

request to access the peer server from the Web browser, translating the HTTP request

into a request packet and sending the request packet to the peer server (7:50-60); and

(d) in response to the peer server receiving the request packet, translating the request

packet back into the HTTP request and responding to the request, thereby enabling

generic web traffic to flow (7:61-64);

wherein the peer server further includes a Web server (fig. 5, reference

nos. 308E and 308I), step (d) further including the steps of: (i) responding to

request by passing the HTTP request to the Web server; (ii) receiving an HTTP

response from Web server; (iii) translating HTTP response into a response

packet; (iv) sending the response packet from the peer server to the proxy server

over the outbound socket connection; (v) receiving the response packet on the

proxy server and translating a response packet back into the HTTP response;

and (vi) sending the HTTP response from the peer server to the Web browser;

(7:64-68)

wherein the peer-to-peer network includes multiple peer servers, and the

proxy server is separate and apart from the peer servers; (fig. 5, reference nos.

306 and 312)

providing each of the peer servers with a peer node, a Web server, and a

Web browser. (fig. 5, reference nos. 308E, 310E, 314E, 308I, 310I and 314I)


As per claims 17-20, they are claims corresponding to claims 1-4, and they do

not teach or define above the information claimed in claims 1-4. Therefore, claims 17-

20 are rejected as being anticipated by Sit for the same reasons set forth in the

rejections of claims 1-4.

**Claims 5-7, 15, 16, 21-23 and 31-34 are rejected under 35 U.S.C. 103(a) as**

**being unpatentable over Sit.**

As per claims 5-7, the rejection of claim 4 under 35 USC 102(b) as being

anticipated by Sit is incorporated herein. Sit does not expressly disclose providing the

peer-to-peer network with a registration server and a DNS server; passing a name of

the peer server from the peer server to the registration server, and receiving a name

and IP address of the proxy server to which it is assigned; wherein step (b) further

includes the step of: registering by the peer server, the name of the proxy server, and

the IP address of the proxy server with the DNS server. However, these steps are

conventional means of resolving domain names. DNS registration is the de facto

means of mapping hostnames to IP addresses. Further, because a peer server is located behind the proxy server, the peer server needs to register with the DNS with information that it is assigned to the proxy server. Moreover, resolution of domain names requires the name of the proxy server and the IP address of the server. Examiner takes Official Notice of this teaching. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the invention of Sit to further include the following steps: providing the peer-to-peer network with a registration server and a DNS server; passing a name of the peer server from the peer server to the registration server, and receiving a name and IP address of the proxy server to which it is assigned; wherein step (b) further includes the step of: registering by the peer server, the name of the proxy server, and the IP address of the proxy server with the DNS server. One would be motivated to do so to enable a user to access a peer server behind a proxy agent using a host name. The aforementioned cover the limitations of claims 5-7.

As per claims 21-23, they are claims corresponding to claims 5-7, and they do not teach or define above the information claimed in claims 5-7. Therefore, claims 21-23 are rejected as being unpatentable over Sit for the same reasons set forth in the rejections of claims 5-7.

As per claim 15, the rejection of claim 2 under 35 USC 102(b) as being anticipated by Sit is incorporated herein. Although Sit does not expressly disclose step

(d) further includes the step of: breaking the HTTP response into chunks and sending the chunks to the proxy server in successive peer response packets, it is notoriously well known in the art that data over a link is transmitted in limited size blocks of data to enable reliable and efficient transmission of the message. Examiner takes Official Notice of this teaching. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for step (d) to further include the step of: breaking the HTTP response into chunks and sending the chunks to the proxy server in successive peer response packets. One would be motivated to do so to transmit messages reliably and efficiently as known to one of ordinary skill in the art. The aforementioned cover the limitations of claim 15.

As per claim 16, the rejection of claim 15 under 35 USC 103(a) as being unpatentable over Sit is incorporated herein. Although Sit does not expressly disclose wherein the step (d) further includes the step of: providing the peer server with several threads for handling HTTP requests from the proxy server, and multiplexing responses to those requests over the same response socket back to the proxy server; conventional servers are typically enabled to handle multiple requests simultaneously to prevent bottlenecks caused by a single request. Furthermore, threading is achieved via multiprocessing. Examiner takes Official Notice of this teaching. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the step of (d) to further include the step of: providing the peer server with several threads for handling HTTP requests from the proxy server, and multiplexing responses to those

requests over the same response socket back to the proxy server. One would be motivated to do so to provide an efficient means of handling requests via multiprocessing as known to one of ordinary skill in the art. The aforementioned cover the limitations of claim 16.

As per claims 31 and 32, they are claims corresponding to claims 15 and 16, and they do not teach or define above the information claimed in claims 15 and 16. Therefore, claims 31 and 32 are rejected as being unpatentable over Sit for the same reasons set forth in the rejections of claims 15 and 16.

As per claims 33 and 34, the limitations of these claims are covered by the invention disclosed by Sit and the obvious enhancements as discussed in the prior art rejections of claims 1-7, 15 and 16. Therefore, claims 33 and 34 are rejected as being unpatentable over Sit for the same reasons set forth in the rejections of claims 1-7, 15 and 16.

**Claims 8, 9, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sit in view of Gupta et al. USPN 6,917,965 (hereinafter Gupta).**

As per claims 8 and 9, the rejection of claim 7 under 35 USC 103(a) as being unpatentable over Sit is incorporated herein. Sit does not disclose the step (b) further includes the step of: after the peer server registers with the proxy server, notifying a user of the computer via e-mail that content exists on the peer server for viewing, and including a URL of the peer server in the e-mail; wherein step (b) further includes the

step of: in response to the user clicking on the URL e-mail, the computer contacts the

DNS server to determine an identity of the proxy server in which to send the HTTP

request. Gupta discloses means for presenting multimedia to users and presenting

annotations to the multimedia, whereby users are notified by email of new annotations,

whereby the emails notifying users of new annotations include a URL of the media

content. Col. 15:66-16:6. Such a feature provides a useful tool to notify users of new

content. Col. 2:5-21. Therefore, it would be obvious to one of ordinary skill in the art at

the time the invention was made for the method of Sit to further include the step of: after

the peer server registers with the proxy server, notifying a user of the computer via e-

mail that content exists on the peer server for viewing, and including a URL of the peer

server in the e-mail; wherein step (b) further includes the step of: in response to the

user clicking on the URL e-mail, the computer contacts the DNS server to determine an

identity of the proxy server in which to send the HTTP request (DNS is contacted to

resolve the URL to an IP address). One would be motivated to do so to provide a useful

tool to notify users of new content as taught by Gupta, ibid. The aforementioned cover

the limitations of claims 8 and 9.


        As per claims 24 and 25, they are claims corresponding to claims 8 and 9, and

they do not teach or define above the information claimed in claims 8 and 9. Therefore,

claims 24 and 25 are rejected as being unpatentable over Sit in view of Gupta for the

same reasons set forth in the rejections of claims 8 and 9.

### (10) Response to Argument

On pages 9-12 of the Appeal Brief, Appellant argues in substance that the Sit

prior art does not anticipate all limitations of the independent claims because Sit does

not disclose the limitation "translating the HTTP request into a request packet and

sending the request packet to the peer server" as defined in the independent claims, but

rather "Sit discloses wrapping a request sent from a browser 314E to a web server 308I,

which is behind a firewall 305, such that, to the firewall 305, the request appears as a

response from the browser 314E to a request sent by the web server 308I." Appeal

Brief, pg. 9, last line-pg. 10, line 3.

As an initial matter, Appellant cites in the Appeal Brief that paragraph 021 and

figure 3 of their Specification provide enabling support for this limitation in the

independent claims. See Appeal Brief, pg. 3, first paragraph. This portion of the

Specification discloses "[i]n response to receiving a redirected HTTP request in step 54,

the proxy server 36 finds the socket connection to the peer server 24', translates the

HTTP requests into a multiplexed protocol comprising a request packet, and sends the

request packet to the peer server 24'." See Specification, paragraph 021. Figure 3

illustrates a flow chart identifying a similar step. (reference no. 54 indicates "Proxy

server translates each HTTP request into a request packet and sends the request

packet to the peer server") Two considerations are noted here. First, both the

Specification and the Appellant's arguments do not define what elements constitute a

"request packet"; in particular, Appellant does not identify any feature distinguishing a

"request packet" from other types of packets. To the extent that the Specification

identifies preferred embodiments of a peer request packet (see fig. 6a), these features are claimed in dependent claims 10-14 and 26-30, which have been indicated by the Office as allowable subject matter. See Office action paragraph 20, mailed on March 14, 2008. Second, the term "translating" is not defined by the Specification; there is no explicit description of a "translating" process except to identify that a response or request packet is "created" from an HTTP packet. Specification, paragraphs 021 and 029.

In view of the meets and bounds of the claimed invention in question, Appellant's arguments with respect to the prior art rejections were not deemed persuasive. Appellant argues that the rejections of the claimed invention "[ignores] the feature of a request packet recited in the claim." (Appeal Brief, pg. 11, line 2) However, Appellant's arguments do not stipulate what distinguishes the claimed "request packet" from the teachings of the prior art except to suggest that a request packet is not the "wrapped" request packet disclosed by Sit. In addition, nothing in the specification defines what the definitive features of a "request packet" as recited in the independent claims are; nothing in the Specification defines what relevant features distinguishes a "request packet" from the packet disclosed in Sit. As such, the limitation "translating the HTTP request into a request packet" under the broadest reasonable interpretation standard does not appear to be limiting in the sense as argued by the Appellant. (MPEP 2111) As identified in Appellant's Specification, the process of "translating" one packet into another encompasses the process of creating one packet from another. Specification, paragraphs 021 and 029. The term "request packet" is interpreted under the plain

meaning of the term as any packet comprising a request by a sender to a destination.

(MPEP 2111.01 "Plain Meaning")  Hence, the step of translating a HTTP request into a

request packet encompasses the step of creating a packet from a HTTP request packet,

wherein the created packet comprises a request from a sender, based on the enabling

portions of Appellant's Specification.  Paragraph 021 and figure 3.  The Sit prior art

discloses accepting an HTTP request packet at a proxy server, wrapping the HTTP

request packet (a header and trailer is appended to the HTTP request packet) so that

the HTTP request packet "looks like a response packet" to bypass the firewall situated

between the proxy server and the peer server; transmitting the encapsulated packet

through the firewall to the peer server, and then unwrapping the HTTP request packet

by the peer server to identify the request. (col. 7, line 50-col. 8, line 12)  Because the

encapsulated packet is created from the HTTP request packet, and the encapsulated

packet includes the original HTTP request packet as disclosed in Sit, under the

broadest reasonable interpretation of the claimed invention, Sit suggests the limitation

"translating the HTTP request into a request packet."

Finally, contrary to Appellant's argument that Sit does not disclose transforming

the HTTP request packet into another form (Appeal Brief, pg. 12, first paragraph), the

encapsulating packet of Sit is in fact created from the HTTP request packet because a

header and trailer portion is appended to the original HTTP request packet to create the

encapsulating packet.

For these reasons, it is respectfully submitted that the inventions of claims 1-4

and 17-20 are anticipated by Sit.

Appellant's arguments with respect to the rejections of claims 5-9, 15, 16, 21-25 and 31-34 are based on the same arguments as those addressed above, and hence, for the reasons enumerated above, it is respectfully submitted that the inventions of claims 5-9, 15, 16, 21-25 and 31-34 are obvious in view of the prior art of record.

## (11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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